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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,331	03/30/2001	LeRoy W. Tilt IV	P-24,723USA	8815

7590 02/08/2007
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EXAMINER

NGUYEN, THANH T

ART UNIT	PAPER NUMBER
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2144

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
2 MONTHS	02/08/2007	PAPER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/823,331
Filing Date: March 30, 2001
Appellant(s): TILT ET AL.

MAILED

FEB 08 2007

Technology Center 2100

Theodore Naccarella
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 20, 2006 appealing from the Office action
mailed August 28, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,269,403	ANDERS	07-2001
6,073,124	KRISHNAN	06-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anders et al., (hereinafter Anders) U.S. Patent No. 6,269,403 in view of Krishnan et al., (hereinafter Krishnan) U.S. Patent No. 6,073,124.

3. In regards to claim 1, Anders teaches a method of serving a Web page to a requesting client, said Web page comprising code defining said page and including a plurality of supplemental files, said method comprising the steps of: parsing said code defining said Web page to detect data within the code which said supplemental files are to be served (Col. 10, lines 1-16, 37-40, and 52-62) (stream configurator parses web page to identify references to objects and their locations within a page, display sequence information is supplied by the designer); constructing a queue indicating (Col. 11, lines 7-30) (this function is realized by the "Interleavor" that sequences (i.e., queues) objects for data stream generation); serving said code to said requesting client; serving said supplemental files to said client in said queue (Col. 12 lines 51-67

- through Col. 13, lines 1-5) (After data stream generation, the data stream is transmitted to the client where it is unpacked according to previously established queue order). Said order data comprising data other than the order in which said supplemental files appear in said code defining said Web page [see Anders fig.8, it's shown that beside order data comprising other than that such as Stream header 180, and end of Stream191]. But Anders does not explicitly teach indicates an order. However, Krishnan teaches indicates an order (see col.3, line 45 – col.4, line 9). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Krishnan into the computer system of Anders to have indicates an order because it would have provided specific functions that comprehensible arrangement among the separate elements of a group.
4. In regards to claim 2, Anders teaches receiving a request for said Web page (Col. 6, lines 40-46); and obtaining said code defining said Web page responsive to said request. (Col. 6, lines 40-46) (Client submits a request for a web page and the server responds by transmitting base HTML object.).
 5. In regards to claim 3, Anders teaches wherein said step of obtaining said Web page comprises retrieving said code defining said Web page from a memory. (Col. 7, lines 19-35 and Col. 15, lines 1-7) (HTML threads/processes retrieve data required to format web pages from storage devices (a memory).
 6. In regards to claim 4, Anders teaches wherein said step of obtaining said Web page comprises building said code defining said Web page responsive to said request. (Col.

- 8, lines 59-66) (Server creates web page dynamically in response to a browser request.)
7. In regards to claim 5, Anders teaches receiving and detecting requests from said client machine for said supplemental files', and wherein said step of serving said supplemental files is performed after said receiving and detecting step. (Col. 6, lines 46-62) (After parsing the base HTML object the browser issues requests for graphics referenced in the base HTML object. The server responds by locating and preparing the requested objects for transfer.)
 8. In regards to claim 6, Anders teaches wherein said step of serving said code defining said Web page is performed after said step of constructing said queue. (Col. 12 lines 51-67 through Col. 13, lines 1-5) (Code comprising the web page is transmitted by "Publisher" after constructing said queue. After data stream generation, the data stream is transmitted to the client where it is unpacked according to previously established queue order.)
 9. In regards to claim 7, Anders teaches wherein said code defining said Web page comprises HTML code, said references to supplemental files comprise HTML tags, (Col. 11, line 7 - Col. 12 line 44). But Anders does not explicitly teach indicates an order. However, Krishnan teaches indicates an order (see col.3, line 45 – col.4, line 9). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Krishnan into the computer system of Anders to have indicates an order because it would have provided specific functions that comprehensible arrangement among the separate elements of a group.

10. In regards to claim 8, Anders teaches wherein data attributes are not recognizable by said client machine. (Col. 8, lines 1-6) (A client of the Anders invention does not understand the sequence attribute. Sequence attributes are embedded in "slammer format" of the Anders invention and require a helper application for proper recognition.). But Anders does not explicitly teach indicates an order. However, Krishnan teaches indicates an order (see col.3, line 45 – col.4, line 9). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Krishnan into the computer system of Anders to have indicates an order because it would have provided specific functions that comprehensible arrangement among the separate elements of a group.
11. In regards to claim 9, Anders teaches a computer readable storage medium containing executable code for controlling a computer for rendering a Web page, said code comprising: first code at least partially defining said Web page, said code including a plurality of references to supplemental files containing content of said page (Col. 10, lines 1-16, 37-40, and 52-62) (stream configurator parses web page to identify references to objects and their locations); and second code which said supplemental files are to be rendered (Col. 11, line 7 - Col. 12 line 44), said second code is associated with each of said references and comprises an attribute of a tag associated with said supplemental file. (Col. 11, line 7 - Col. 12 line 44). But Anders does not explicitly teach indicates an order. However, Krishnan teaches indicates an order (see col.3, line 45 – col.4, line 9). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the

teachings of Krishnan into the computer system of Anders to have indicates an order because it would have provided specific functions that comprehensible arrangement among the separate elements of a group.

12. In regards to claim 11, Anders teaches wherein said second code associated with each of said references comprises an attribute of an HTML tag for which another of said tag's attributes is said reference to a supplemental file. (Col. 11, line 7 - Col. 12 line 44).
13. In regards to claim 12, Anders teaches a computer program product embodied on computer readable media readable by a computing device, said product for serving Web pages to a requesting client machine, wherein at least one of said Web pages contains a plurality of references to supplemental files comprising content of said Web page, said references including order data indicating an order in which said supplemental files are to be served relative to said other supplemental files contained in said page, said product comprising: first computer readable program code for receiving requests for said Web pages (Col. 6, lines 40-46); second computer readable program code for obtaining code defining said requested Web pages responsive to said requests, said code defining said Web pages (Col. 6, lines 40-46); third computer readable program code for parsing said code defining a, Web page to detect said order data (Col. 10, lines 1-16, 37-40, and 52-62); fourth computer readable program code for constructing a queue in a memory (Col. 11, lines 7-30); said queue comprising a list of said supplemental files (Col.11, lines 7-30); fifth computer readable program code for serving said code defining said page to said requesting

client machine (Col. 12, lines 51-67 through Col.13, lines 1-5); sixth computer readable program code for serving said supplemental files to said requesting client machine in queue (Col. 12, lines 51-67 through Col. 13, lines 1-5). But Anders does not explicitly teach indicates an order. However, Krishnan teaches indicates an order (see col.3, line 45 – col.4, line 9). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Krishnan into the computer system of Anders to have indicates an order because it would have provided specific functions that comprehensible arrangement among the separate elements of a group.

14. In regards to claim 13, Anders teaches wherein said second computer readable program code comprises code for retrieving said code defining said Web page from a storage medium. (Col.7, lines 19-35, and Col. 15, lines 1-7).
15. In regards to claim 14, Anders teaches wherein said second computer readable program code comprises code for building said code defining said Web page responsive to receipt of said request for said Web page. (Col. 8, lines 59-66).
16. In regards to claim 15, Anders teaches seventh computer readable program code for receiving and detecting requests from said client machine for said supplemental files (Col. 6, lines 46-62) and wherein said sixth computer readable program code operates after said seventh computer readable program code detects said request for at least one of said supplemental files. (Col. 6, lines 46-62).

17. In regards to claim 16, Anders teaches wherein said fifth computer readable program code operates after said fourth computer readable program code constructs said queue. (Col. 12, lines 51-67 through Col. 13, lines 1-5).
18. In regards to claim 17, Anders teaches wherein: said code defining said Web page comprises HTML code (Col. 11, line 7 - Col. 12 line 44), said references to supplemental files comprise HTML tags (Col. 11, line 7 - Col. 12 line 44), and said data comprises attributes of said tags (Col. 11, line 7 - Col. 12 line 44). But Anders does not explicitly teach indicates an order. However, Krishnan teaches indicates an order (see col.3, line 45 – col.4, line 9). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Krishnan into the computer system of Anders to have indicates an order because it would have provided specific functions that comprehensible arrangement among the separate elements of a group.
19. In regards to claim 18, Anders teaches wherein said order data attributes are not recognizable by said client machine. (Col. 8, lines 1-6).
20. In regards to claim 19, Anders teaches a system for serving Web pages to a requesting client machine, at least one of said Web pages containing a plurality of references to supplemental files comprising content of said Web page, said page including order data indicating an order in which said supplemental files are to be served relative to said other supplemental files contained in said page, the system comprising: a computer including memory, and a processor, the memory being accessible by the processor and storing computer-readable programming including

(Col. 7, lines 19-35 and Col. 15, lines 1-7); first computer readable program code for receiving requests for said Web pages (Col. 6, lines 40-46); second computer readable program code for obtaining code defining said requested Web pages (Col. 6, lines 40-46); third computer readable program code for parsing said code defining said Web page to detect data (Col. 10, lines 1-16, 37-44, and 52-62); fourth computer readable program code for constructing a queue in a memory, said queue comprising a list of said supplemental files (Col. 11, lines 7-30); fifth computer readable program code for serving said code defining said Web page to said requesting client machine (Col. 12, line 51 - Col. 13, line 5); sixth computer readable program code for serving said supplemental files to said requesting client machine in said queue (Col. 12, line 51 - Col. 13, line 5). But Anders does not explicitly teach indicates an order. However, Krishnan teaches indicates an order (see col.3, line 45 – col.4, line 9). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Krishnan into the computer system of Anders to have indicates an order because it would have provided specific functions that comprehensible arrangement among the separate elements of a group.

21. In regards to claim 20, Anders teaches wherein said fifth computer readable program code operates after said fourth computer readable program code constructs said queue. (Col. 12, line 51 - Col. 13, line 5).
22. In regards to claim 21, Anders teaches wherein: said code defining said Web page comprises HTML code; said references to supplemental files comprises HTML tags; and data comprises attributes of said tags. (Col. 11, line 7- Col. 12, line 44). But

Anders does not explicitly teach indicates an order. However, Krishnan teaches indicates an order (see col.3, line 45 – col.4, line 9). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Krishnan into the computer system of Anders to have indicates an order because it would have provided specific functions that comprehensible arrangement among the separate elements of a group.

23. In regards to claim 22, Anders teaches wherein said order data attributes are not recognizable by said client machine. (Col. 8 lines 1-6).

(10) Response to Argument

- Appellant argues Krishnan does not contain “*supplemental files in any context*”.

Examiner respectfully disagrees. In the office action Anders discloses this limitation as shown in col. 12, lines 51-67 though col.13, lines 1-5) (after data stream generation, the data stream is transmitted to the client where it is unpacked according to previously established queue order).

- Appellant argues that Krishnan fails to disclose “*indicates an order*”.

Examiner respectfully disagrees. Applicant argument is vague. Krishnan discloses *an indicates an order* as shown in col.3, line 45 to col.4, line 9.

- Appellant argues that Krishnan fails to disclose “*a technique for setting an order for serving supplemental files*”.

Examiner respectfully disagrees. Applicant argument is vague. Anders discloses serving supplemental files as shown in col.10, lines1-16, 37-40 and 52-

62. Krishnan discloses indicates an order as shown in col. 3, line 45 to col.4, line 9.

- *Appellant argues that "the offered motivation for the proposed combination of features is improper".*

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Krishnan into the computer system of Anders to have indicates an order because it would have provided specific functions that comprehensible arrangement among the separate elements of a group.

- Appellant argues that Anders "does not having a sequence number".

Examiner respectfully disagrees. Anders disclose sequence number in col. 11, lines 6-22 (*the interleaver 218 writes object data into the data stream 190 for those objects having a lower sequence number prior to the object data for those objects having a higher sequence number*).

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- Appellant argues that Anders fails to disclose *"parsing the code comprising the requested page to detect data within the code that indicates an order in which said supplemental files are to be served, said order data comprising data other than the order in which said supplemental files appear in said code defining said webpage"*.

Examiner respectfully disagrees. Applicant argument is vague. Anders discloses parsing the code comprising the requested page to detect data within the code that indicates an order in which said supplemental files are to be served, said order data comprising data other than the order in which said supplemental files appear in said code defining said webpage as shown in col. 10, lines 1-16, 37-40, and 52-62 (*stream configuration parses web page to identify references to objects and their locations within a page, display sequence information is supplied by the designer*).

(11) Related Proceeding(s) Appendix

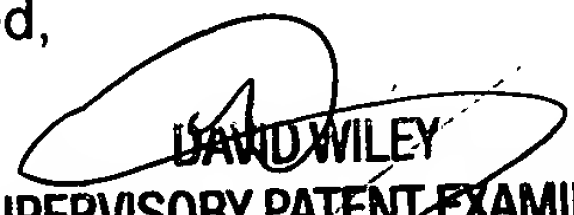
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

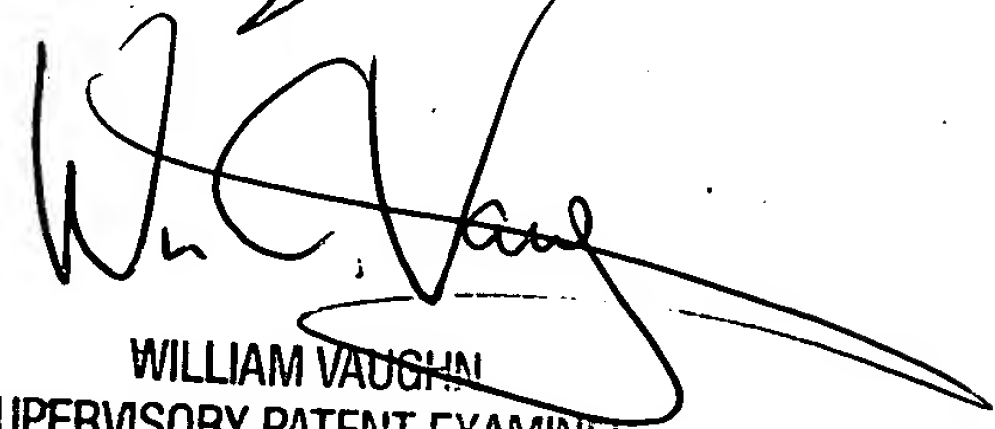
Respectfully submitted,

Examiner

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